

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**FUND TEXAS CHOICE, *et al.*,**

***Plaintiffs,***

**v.**

**KEN PAXTON, in his official capacity  
of Attorney General, *et al.***

***Defendants.***

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**No. 1-22-CV-859-RP**

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**ATTORNEY GENERAL PAXTON’S NOTICE OF APPEAL**

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Defendant Attorney General Ken Paxton appeals to the United States Court of Appeals for the Fifth Circuit from the trial court’s Order signed on October 4, 2022 (Dkt. 83), which de facto denied the sovereign immunity defense raised in Defendant’s Motion to Dismiss Plaintiff’s Complaint (Dkt. 33). *See Carswell v. Camp*, 37 F.4th 1062, 1066 (5th Cir. 2022); *Tex. v. Caremark, Inc.*, 584 F.3d 655, 658 (5th Cir. 2009).

This appeal “divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Accordingly, all claims against the Attorney General are stayed by operation of law pending resolution of his appeal. *See Whole Woman’s Health v. Jackson*, 13 F.4th 434, 445 (5th Cir. 2021) (per curiam). Unless the Court orders otherwise, the Attorney General understands that this divestiture of jurisdiction vacates the October 11 deadline to “meaningfully confer . . . to agree on the particulars of Paxton’s testimony.” (Dkt. 83 at 13.)

Dated October 7, 2022.

Respectfully submitted.

**KEN PAXTON**  
Attorney General of Texas

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Chief, General Litigation Division

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/s/ Amy S. Hilton  
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**Counsel for Attorney General  
Ken Paxton**

**CERTIFICATE OF SERVICE**

I certify that on October 7, 2022, this document was served via the Court's ECF system to all counsel of record.

/s/ Amy S. Hilton  
**AMY SNOW HILTON**